

CHAPTER 49

REGULATION OF VETERANS BENEFITS APPEAL SERVICES ADVERTISING

S.F. 399

AN ACT regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 546B.1 Veterans benefits appeal services — regulation of advertising practices.

As used in this chapter:

1. *a.* “Advertising” or “advertisement” means any of the following:

(1) Any written or printed communication made for the purpose of soliciting, describing, or promoting veterans benefits appeal services, including but not limited to a brochure, letter, pamphlet, newspaper, telephone listing, periodical, or other writing.

(2) Any directory listing caused or permitted by a person to be made available which indicates that veterans benefits appeal services are being offered.

(3) Any radio, television, computer network, or similar airwave or electronic transmission which solicits or promotes a person offering veterans benefits appeal services.

b. “Advertising” or “advertisement” does not include any of the following:

(1) Any printing or writing used on buildings, uniforms, or badges, where the purpose of the writing is for identification.

(2) Any printing or writing in a memorandum or other communication used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of veterans benefits appeal services.

2. “Veteran” means as defined in section 35.1.

3. “Veterans benefits appeal services” means services which a veteran might reasonably require in order to appeal a denial of federal or state veterans benefits, including but not limited to denials of disability, limited-income, home loan, insurance, education and training, burial and memorial, and dependent and survivor benefits.

Sec. 2. NEW SECTION. 546B.2 Advertising disclosure requirements.

1. A person advertising services to represent or assist veterans in appealing a denial of veterans benefits shall conspicuously disclose in the advertisement, in similar type size or voice-over, that appeal services are also offered at no cost by county commission of veteran affairs offices as maintained pursuant to section 35B.6.

2. A person who fails to comply with the provisions of this section is subject to a civil penalty not to exceed one thousand dollars for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of this section regardless of whether an action has been filed pursuant to this section. Any civil penalty recovered shall be deposited in the veterans trust fund created in section 35A.13.

Sec. 3. NEW SECTION. 546B.3 Nonapplicability.

This chapter shall not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

Approved April 13, 2011